AMENDED

№ 41295

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office MAY 12 1980

Returned to applicant for correction JUL 17 1980

Corrected application filed SEP 15 1980

Map filed SEP 15 1980 under 41287

The applicant Borda Brothers

909 West Musser (Street and No. or P.O. Box No.), of Carson City (City or Town),

Nevada 89701 (State and Zip Code No.), hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Spring No. 9 (Name of stream, lake or other source.)

2. The amount of water applied for is 0.5 cfs second-feet (One second-foot equals 448.83 gals. per min.)

   (a) If stored in reservoir give number of acre-feet ____ acre-feet

3. The water to be used for Irrigation & Domestic (Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.)

4. If use is for:

   (a) Irrigation (state number of acres to be irrigated) 800 acres

   (b) Stockwater (state number and kinds of animals to be watered) ____

   (c) Other use (describe fully under "No. 12. Remarks") ____

   (d) Power:

      (1) Horsepower developed ____

      (2) Point of return of water to stream ____

5. The water is to be diverted from its source at the following point: Within the SE¼ SW¼, Section 8, T. 17 N., R. 22 E., M.D.B.& M., or at a point from which the Southwest corner of Said Section 8 bears South 63° 23' West, 2,108 feet.
   (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.)

6. Place of use Within the E½ SW¼, W½ SE¼, Section 8, all of Section 17, T. 17 N., R. 22 E., M.S.B.&M.
   (Describe by legal subdivision, if on unsurveyed land it should be so stated.)

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day), of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Diversion dam and pipeline to place of use.
   (State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

9. Estimated cost of works $5,000

10. Estimated time required to construct works 2 years

11. Estimated time required to complete the application to beneficial use 5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

The springs will not be completely cut off from access by stock or wildlife. A minimum of 25% of the spring flow will be left in the natural drainage. These applications in no way waive any claim of vested rights related to the springs in this area.

Applicant

By s/Bruce R. Scott

Bruce R. Scott
Resource Concepts, Inc., 340 N. Minnesota St.
Carson City, Nevada 89701

Compared js/ja pr/bc

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto. NRS 533.367.

The total combined duty of water under Permits 41287, 41288, 41289, 41290, 41291 41292, 41293, 41294, 41295 and 41296 shall not exceed 3200 acre-feet annually.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5 cubic feet per second, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources, and not to exceed 361.9 acre-feet annually.

Actual construction work shall begin on or before N/A

Proof of commencement of work shall be filed before N/A

Work must be prosecuted with reasonable diligence and be completed on or before December 11, 1986

Proof of completion of work shall be filed before January 11, 1987

Application of water to beneficial use shall be made on or before December 11, 1989

Proof of the application of water to beneficial use shall be filed on or before January 11, 1990

Map in support of proof of beneficial use shall be filed on or before January 11, 1990

Commencement of work filed
Completion of work filed
Proof of beneficial use filed
Cultural map filed
Certificate No. Issued

IN TESTIMONY WHEREOF, I PETER G. MORROS State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 11th day of December, A.D. 19 84

State Engineer

FEB 16 1989

WITHDRAWN BY APPLICANT

218 (Rev.)

STATE ENGINEER